

## **Minutes of the Maine Real Estate Commission**

**DECEMBER 16, 2004**

### **MEMBERS PRESENT**

Earl Black  
David Kitchen  
Sharon Millett  
Jeffrey Mitchell  
Winfred Stevens

### **STAFF PRESENT**

Carol Leighton, Director  
Karen L. Bivins, Deputy Director  
Judy Brown, Examiner  
Robert Perkins, A.A.G.  
Susan Greenlaw, Secretary

### **MEMBERS ABSENT**

**Location:** Central Conference Room

**Start:** 9:00 a.m.

**Adjourn:** 1:35 p.m.

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### **Minutes – November 18, 2004**

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to approve the minutes of the November 18, 2004 meeting as written. Unanimous.

### **Agenda Modifications**

A motion was made by Jeffrey Mitchell and seconded by David Kitchen to add the following to the agenda. Unanimous.

- Proposed Consent Agreement #2001-081
- Correction to item on agenda: Change number of Proposed Consent Agreement #2004-128 to #2004-148
- Request from Daniel Brewer re: fine payment
- Educational proposals from Linda Gifford

### **Election – Chair and Vice Chair 2005**

A motion was made by Earl Black and seconded by Jeffrey Mitchell to elect Sharon Millett as Chair and Winfred Stevens as Vice-Chair for 2005. Unanimous.

## **Hearings**

The Chair opened the hearing in the matter of Richard Abbondanza v. Director. David Kitchen recused and left the room. Mr. Abbondanza was present. The Director was present. Assistant Attorney General Robert Perkins attended as counsel to the Commission. Public deliberations were conducted at the close of the hearing. A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to approve the course application. Black, Millett, Mitchell, and Stevens voted in the affirmative; none opposed. Motion carried.

## **Commission Decisions**

A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to accept the Decision in the matter of Michael J. Brown v. Director. Unanimous.

A motion was made by Jeffrey Mitchell and seconded by Winfred Stevens to accept the Decision in the matter of Director v. Camillo L. Breggia III. Black, Mitchell, Millett, and Stevens voted in the affirmative; none opposed; Kitchen abstained. Motion carried.

## **Consent Agreements**

A motion was made by Sharon Millett and seconded Winfred Stevens by to accept the proposed Consent Agreement in case number 2004-148. Unanimous.

A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to accept the proposed Consent Agreement in case number 2004-150. Unanimous.

A motion was made by Sharon Millett and seconded by Winfred Stevens to accept the proposed Consent Agreement in case number 2001-081. Millett voted in the affirmative; Black, Kitchen, Mitchell, and Stevens opposed. Motion failed. Members suggested that the Director return with a revised Consent Agreement and if that is not acceptable, recommended a hearing in this matter.

## **Dismissed Complaints**

A motion was made by David Kitchen and seconded by Jeffrey Mitchell to accept the proposed Dismissals in case numbers 2003-044, 2004-010, 2004-019, and 2004-133. Unanimous.

## **Annual Education Review**

Education Director Report: Marilyn Lugner, Education Director, presented an education summary and observations of sales agent courses she has attended.

General observation #1 - A motion was made by Sharon Millett and seconded by Jeffrey Mitchell to require that quizzes and exams administered by course sponsors are not provided in open book format. Unanimous.

David Kitchen left the meeting at 1:25 p.m.

## **Director's Report**

Educational proposals from Linda Gifford: Ms. Gifford presented for discussion information regarding educational requirement proposals on behalf of the Maine Association of Realtors®. Some of the proposals will require rule making and others are statutory issues.

Update – Draft Legislation: Discussed under Linda Gifford's presentation.

Investigation/Complaint status report: Members were provided with updated information.

Appraisal Statute – Broker/Associate Broker Exemption Discussion: The Commission recommended sending a letter to licensees in lieu of filing complaints.

Trade names: Discussed concerns with agencies requesting trade names that are similar to those already issued – members supported staff's current policies for approving or disapproving such requests.

Request from Daniel Brewer re: fine payment: A motion was made by Winfred Stevens and seconded by Jeffrey Mitchell to extend the deadline for payment of the fine to June 1, 2005. Unanimous.

Next Meeting Scheduled for January 20, 2005

The meeting was adjourned at 1:35 p.m.

This report respectfully submitted,

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Earl Black  
Chairman

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Carol J. Leighton  
Director